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UCO 89-053-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of)
)
NAPOLEONE FERRARA and DENIS)
GOSPODAROWICZ) Group Art Unit:
)
Serial No.: 346,165) Examiner:
)
Filed: May 2, 1989)
)
For: ENDOTHELIAL CELL GROWTH)
FACTOR AND METHODS OF)
ISOLATION)

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

NOTARIZED SUPPLEMENTAL RESPONSE TO APPLICANTS'
ATTORNEY'S LETTER FILED OCTOBER 31, 1989

Sir:

AFFIDAVIT OF HOWARD M. PETERS

STATE OF CALIFORNIA)
) ss
County of San Francisco)

I, HOWARD M. PETERS, do swear that:

The undersigned, Howard M. Peters (Reg. No. 29,202), is the attorney of record in this case.

I have attached is a copy of the NOTICE OF INCOMPLETE RESPONSE dated October 20, 1989. The Notice states that our response received by the P.T.O. on September 29, 1989 was incomplete in that an originally signed Declaration was not submitted.

Applicants incorporate by reference the RESPONSE LETTER AS REQUESTED, date stamped in the U.S. Patent and Trademark Office on October 30, 1989 (copy attached).

Applicants' attorney submits this Notarized Supplemental Response to Clarify the present situation.

The undersigned attorney spoke with Mr. Mose Montgomery of the Special Processing Branch, by telephone (703-557-3831) on

October 31, 1989. After some discussion with Mr. Montgomery, the undersigned decided that this notarized supplemental letter should be written.

Mr. Montgomery indicated that our response to the Office Letter dated October 20, 1989, filed October 30, 1989, and this response should establish the signed original of the Declaration. When the U.S. Patent Examiner ultimately reviews the file, he/she can determine whether or not a supplemental signed declaration is needed. Applicants will then have a brief period to obtain original signatures on the supplemental Declaration and timely submit the executed supplemental Declaration to the P.T.O.

A number of events combine to make the present unusual situation.

Applicant Napoleone Ferrara inadvertently signed in black ink a Canon copy sheet of the bond paper original declaration. Applicants' attorney submitted the signed Canon copy sheet. With the present high quality of black copies, it is often difficult to distinguish an original from a good Canon copy.

Applicants' attorney cannot recall whether or not Denis Gospodarowicz's original signature on the Declaration was in black or blue ink or if on a Canon copy sheet or an original bond sheet.

The secretary in Applicants' attorney's office may have inadvertently attached the original signed declaration to the signed Assignment, which was filed on the same day in the same Express Mail envelope. A search in the assignment records of the U.S.P.T.O. has not yet located the Assignment or any possible attachments.

Applicants' attorney has completely reviewed the Phillips, Moore, Lempio & Finley office file copy. The three sheets from that patent file relating to the signed declaration are attached.

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There was no other copy of the signed declaration in the attorney file.

Applicants' attorney requested the client, the University of California, to examine its patent file regarding the Missing Parts and copy of the signed declaration. They found they do not yet have these documents in their file.

To the best of my information and belief, the Declaration submitted on September 29, 1989 had the original signatures of both Napoleone Ferrara and Denis Gospodarowicz.

If there are any questions, the Examiner or any other employee of the U.S. Patent and Trademark Office is requested to call (collect) the undersigned at 415-421-2674 as soon as possible.

I swear that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: Oct 31, 1989 Howard M. Peters
Howard M. Peters

GENERAL ACKNOWLEDGMENT

NO. 201

State of <u>California</u>	} ss.	On this the <u>31st</u> day of <u>October</u> , 19 <u>89</u> , before me,
County of <u>San Francisco</u>		<u>Victoria F. Huertas</u>
		the undersigned Notary Public, personally appeared
		<u>Howard M. Peters</u>
		<input type="checkbox"/> personally known to me
		<input checked="" type="checkbox"/> proved to me on the basis of satisfactory evidence
		to be the person(s) whose name(s) <u>he</u> subscribed to the
		within instrument, and acknowledged that <u>he</u> executed it.
		WITNESS my hand and official seal.
		<u>Victoria F. Huertas</u>
		Notary's Signature